THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :22365 of 2007

DATED:23-10-2007

BETWEEN:

Bandi Sathaiah & 3 others.

..... PETITIONERS

AND

The District Collector,
Karimnagar District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the 1st respondent in not disposing of the appeal No.E3/987/2007 and suspension petition filed therein against the proceedings in Lr.No.B/156/2006 passed by the 3rd respondent and as confirmed by the 2nd respondent in Appeal No.D/2243/2006 by order, dated 24-02-2007, as illegal and arbitrary.

3. It is stated that the 3rd respondent-Mandal Revenue Officer, Sircilla passed orders in Lr.No.B/156/2006, dated 04-08-2006, resuming the lands of an extent of 13.23 guntas in Sy.Nos.127 and 128 on the ground that the said lands are assigned in favour of the poor and the petitioners have purchased the said lands in contravention of sub-Section 2 of Section 3 of the A.P.Assigned Lands
(Prohibition of Transfers) Act, 1977 (for brevity, 'the Act'). Aggrieved by the said order petitioners filed an appeal before the 2nd respondent-Revenue Divisional Officer raising various questions and the 2nd respondent, by order, dated 24-02-2007,

in Case No.D/2243/06 dismissed the appeal on various grounds. Aggrieved thereby, petitioners filed another appeal under Section 4-A(2) of the Act.

4. I am of the opinion that no second appeal lies under Section 4-A(2) of the Act against the appellate order of the Revenue Divisional Officer, but only a revision lies under Section 4-B of the Act. I have taken a view in a case that against the original order of the Mandal Revenue Officer appeal lies to the Revenue Divisional Officer under
Section 4-A(1) of the Act and against the original order passed by the Revenue Divisional Officer under Section 4(1) of the Act appeal lies to the District Collector under Section 4-A(2) of the Act. Against the appellate order only one revision lies under Section 4-B of the Act. In the instant case the original order was passed by the Mandal Revenue Officer against which appeal has been filed under Section 4-A(1) of the Act and therefore, revision lies to the Collector under Section 4-B of the Act. It is stated that the petitioners filed an appeal under Section 4-A(2) of the Act.

5. In view of the aforesaid clarification the appeal may be treated as a revision under Section 4-B of the Act and the 1st respondent-District Collector, Karimnagar District is directed to consider and dispose of the stay application, as expeditiously as possible, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

23rd October, 2007.

Note:

Furnish C.C. of the order within three days.

B/o

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